

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

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Janet Napolitano
GovernorDavid Berns
Director

May 14, 2004

The Honorable Emily Stover DeRocco
Assistant Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Room S2307
Washington, DC 20210

Reference: P.L. 105-220 Workforce Investment Act (WIA) of 1998, §122(c)(5)(A) and
20 CFR 663.530

Dear Assistant Secretary DeRocco:

The State of Arizona respectfully requests an extension of its existing waiver that defers the referenced statutory and regulatory provisions concerning subsequent eligibility of training providers under the Workforce Investment Act (WIA). In your letter to the Honorable Janet Napolitano, Governor of Arizona, dated July 14, 2003, a waiver extension was granted to Arizona that allowed the State to postpone subsequent eligibility of all currently approved training providers through June 30, 2004. This letter serves to request an additional extension of this waiver, to permit all currently approved providers on the State's eligible training provider list (ETPL) to forego subsequent eligibility until June 30, 2005 or until re-authorization of WIA, whichever occurs later.

As alluded to in our initial request for a waiver extension dated June 9, 2003, the state needed additional time to re-evaluate and significantly restructure its subsequent eligibility process, following issuance of new Family Educational Rights and Privacy Act (FERPA) guidance (effective April 30, 2003) that seriously comprised the State's ability to collect confidential student information. However, more recent developments at the federal level concerning WIA Re-authorization and the changes it may bring about in the ETPL process, has again obliged us to request a waiver extension. It is our understanding that common among versions of the re-authorized Act currently under Congressional review, is a provision authorizing each state's Governor to develop criteria for training provider approval. Given the probability that such authority may be granted, we believe an extension of the current waiver will allow Arizona to continue providing the broadest

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range of training options to WIA participants, in anticipation of changes in the ETPL process expected under Re-authorization.

The State continues to maintain open dialogue with ETPL stakeholders through bi-quarterly meetings, and continues to ensure the integrity of our provider list through regular monitoring of training providers by the state Department of Education. In addition, these actions have been the impetus for formulation of new strategies that we trust will become part of a greatly improved ETPL process for Arizona under the re-authorized Act.

We greatly appreciate your prompt consideration of this important request.

Sincerely,



Lela Alston
WIA Section Manager
Employment Administration

c: Mr. John Humphrey
Regional Administrator
USDOL-ETA Region 6

Mr. Ralph Zackheim
GOTR - Arizona
USDOL-ETA Region 6

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FAX

COVER

SHEET



ETA



U.S. Department of Labor
Employment and Training Administration

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Fax #:

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Subject:

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Date:

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COMMENTS:

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" the Region supports the
State's request "Thanks
- Regal

From the desk of...

RACH ZACKHEM

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